

RULES, ORDERS,
and directions, appointed by his
MAJESTIES
COMMISSIONERS for EXECUTING
the Act of
SETTLEMENT
And the Act of
EXPLANATION
OF
the same, to be observed by all persons concerned
before them.



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BY APPOINTMENT TO HER MAJESTY THE QUEEN

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Rules, Orders and

Directions appointed by his Majesties Commissioners for Executing the Act of Settlement and the Act of Explanation of the same, to be observed by all persons concerned before them.

I



ALL Adventurers, and Souldiers, and Protestant purchasors in *Connaught*, and *Clare*, and other persons claiming any Lands, or Tenements by virtue of the said Act of Settlement, or of the Explanatory Act (other then persons already adjudged or restored) shall put in their petitions or Schedules into the Registry of the said Commissioners within Thirty dayes after the date hereof, The said Petitions to be under the hand and Seal of the partie claiming or under the hand and Seal of some Agent authorized by them, and signed also by one of the Attournies of this Court hereafter named.

II.

Every one so claiming shall in their said Petition or a Schedule distinctly express what Lands they or those from whom they claim were posselt of upon the 7th of *May* 1659. with the County and Barony where the same do lye, and also the denominations of the said lands and the quantity of Acres profitable and unprofitable according to the *Down* Survey, where the said *Down* Survey hath

(4)

been taken, And where the *Down* Survey hath not been taken, then by the Survey taken in the Earl of *Straffords* time, and if it be not within that Survey, then by some other Survey according to the directions in the said Explanatory Act page the 10th, And where no Survey hath been taken, then the said lands are to be described by the most apt and known Denominations both *English* and *Irish* that may be.

III.

Every one Claiming as aforesaid, shall likewise in his Petition or Schedule set forth what lands they have lost or been removed from since the said 7th of *May* 1659. whether by decree of the Court of *Clames* or otherwise, and to whom the same is decreed, or restored, and what estate therein is decreed away, whether for life, or in remainder in Fee or for years.

IV

Every one so claiming shall likewise in his Petition or Schedule, express distinctly what incumbrances the land he is now posselt of is lyable unto, and to whom, and when, and by what Court the same were allowed or decreed, and for the receiving and entring the said Petitions and Schedules no Fee is to be paid unto the Register.

V

Every Adventurer shall likewise set forth the name of the original Adventurer from whom he claimes, and the sum of money that was paid, and shall likewise distinguish what lands he had set forth upon the doubling Ordinance, and if the lands were set out promiscuously with other lands, then they do express what money was lent upon the said doubling Ordinance.

VI.

Every Souldier likewise to set forth in whose right, and for whose service the land he claimeth was first set out.

VII.

Every Petition and Schedule after it hath been entred, and marked by the Register shall be transmitted to our Sub-commissioners hereafter named, who are to examine, and compare the same aswell

aswell with the decrees formerly made (as to such lands, which have been decreed away) as also with the Records remaining in the Surveyor Generals Office, where it shall be necessary, and to return them back into the Registry with their examination, and with the stating of the Quit-rents due thereupon to his Majestie, After which the Commissioners will appoint convenient times for the final hearing and adjudication of the same.

VIII.

If any Adventurer, Souldier, or *Connaght* purchaser or other person who by the Act is to enjoy two third parts of what he was posselt of the 7th of May 1659, is now posselt of less then his due proportion, and yet shall desire to take out his Certificate for what he is now posselt of, The Commissioners will proceed to hear his claim for so much as he is in possession of, and to state his deficiency for so much more, as shall by the Rules of the Act be due unto him, in order to his future reprizal and satisfaction.

IX.

If any Adventurer or Souldier &c. have more in his possession then his two thirds, he is to make his Election in his said petition or schedule, of what third part he will quit, observing therein the Rules of the said Explanatory Act page the 11th and 12th.

X.

If any Adventurer, Souldier &c. having as aforesaid more land in his possession then his two thirds, have any deficiencies or other interest allowable by the said Act to place upon his overplus; that he do express, and mention the same in his petition, and if he have none now ready, he shall if he desire the same in his petition have the preference for three months after the putting in the same, for placing any such deficiencies, or other allowed interest upon the overplus now in his possession, And if in three months he do not procure any, and give publike notice thereof to the Commissioners, That then the Commissioners will proceed to dispose of the said overplus to the uses to which by the Act they are appointed, Nevertheless the said Adventurers, Souldiers &c. having overplus as aforesaid shall be at their liberry to take out their certificates immediately for the two thirds they shall elect to keep, if they shall desire so to do.

XI.

XI.

Adventurer, Souldier &c. who by decree of the Court of Claimes or otherwise have lost any lands for life, or in remainder shall in their petitions make their election according to the rules mentioned in the said explanatory Act page 23, and 24.

XII.

Adventurer, Souldier &c. being posselt of any Estate where the proprietor hath been decreed inoncent but left to the Law for recovery of his Estate, are likewise to make their election in their petitions if conveniently they can, or otherwise within three months after the first sitting of the Commissioners at the farthest, whether they will stand the Tryall at Law, or quitt the land, and have recourse to their proportionable satisfaction, according to the rules of the said explanatory Act page 54, and 55.

XIII.

The trustees for the Officers who served His Majestie or his Royall Father of Blessed Memory before the 5th of June 1649, shall forthwith deliver unto the said Commissioners a list in writing containing the names of all such Officers, who they conceive are to be Post-poned, and likewise of all those whose arrears are to be retrench't by virtue of an Order made by the Lord Lieutenant and Councell bearing date the 12th day of January 1663, reducing those Officers under the severall titles and qualifications mentioned in the said Order, to the end that due and publique notice may be given to all persons concerned therein to shew cause (if they can) why their respective arrears should not be retrench'd accordingly.

XIV.

The said Trustees shall likewise within thirty dayes deliver unto the said Commissioners in writing a true Account of the valluations of their security, as the same hath been return'd unto them, within the severall Counties, Citties, Towns and of the *Milk line*, respectively where the same doth lye. And also of all such incumbrances, and rights of Redemption as they have yet discovered, and which are by the said Acts part of the security of the said Officers.

XV.

XV.

That such of the Right Reverend Fathers in God the Bishops who by the said Act of Settlement are to have augmentations in Right of their Sees do also within thirty dayes deliver into the Commissioners a schedule of such lands as they are already possess'd of in *Custodiam*, or by Patent or otherwise in Order to their said augmentations, with the yearly value of the same, that what is wanting may according to the rules of the said Act, and of the explanatory Act be supplied unto them, and the overplus (if any be) may be retrench't.

XVI.

And the said Right Reverend the Bishops are desired as soon as conveniently they can to certifie unto the Commissioners what Parishes within their respective Diocesses have less then Ten Acres of Gleabe, to the end care may be taken therein for their supply, in which case nevertheless Parishes that have been united by virtue of an Act intituled, *An Act for reall union of Parishes* are to be esteemed but as one Parish.

XVII.

The 54 persons commonly called the Nominees and mentioned in the 101 and 102 pages of the explanatory Act are desired within thirty dayes if conveniently they can, or otherwise at farthest within two months to deliver in writing unto the Commissioners, the Denominations and quantity of Acres of such lands, and Capital Messuage or Castle, or ancient Seat (if any such there be) which they shall elect to be restored unto, by virtue of the said Clauses relating unto them, and in whose possession the same now are, and in what County and Barony the same do lye.

XVIII.

Where any person by colour of any Decree in the late Court of Claims hath entred upon more land then did Rightfully belong unto him, and was in his possession the 22th of October 1641. (unless the land were particularly exprest in some clause of the said Act of Settlement) that he discover the same, unto the Commissioners and surrender up the land so entred upon, within three months at the farthest after their first sitting according to the rules, and under the penalties contained in the said explanatory Act page. 50. and 51.

XIX.

XIX.

Those who have been restored to any land by virtue of his Majesties Letters, and have not since had any Adjudication of innocence, are likewise within thirty dayes to deliver in a schedule to the Commissioners of what lands they so enjoy with the quantities and Denominations thereof, and if they are so posselt of more then two thousand Acres they are to make their election, what part they will retain, provided the same did rightfully belong unto them on the 22th of October 1641. And do not exceed 2000. Acres as aforesaid, that so they may be proceeded with according to the rules of the Act page 107.

XX.

All such persons who have been adjudged innocent Papists by the late Court of claines, and have not yet taken out their Decrees, are forthwith to apply themselves to the taking out their said Decree, so as the said Decrees be taken out at the farthest within three months after the first sitting of the Commissioners at their peril, exprest in the Act page 51.

XXI.

And whereas the Earl of *Inchequin*, the Earl of *Clancarty*, *Theobald Purcell* Esq; *Dudley Bagnall* Esq; *Henry Bagnall* and *Katherine Corbett* are particularly mentioned in the said Act of Settlement to be restored to their former Estates without any previous reprimand, and yet have hitherto neglected to take out their Decrees from the Commissioners, whereby it cannot appear what Estate they were posselt of in 1641, nor what satisfaction is or ought to be given to such Adventurers or Souldiers or other persons as have been disposselt by their said restitution, for which reasons they are by name required by the explanatory Act to take out their Decrees within such time as the Commissioners shall appoint, the said Commissioners do think fit and accordingly do hereby appoint the time of two months from the date hereof shall be the time for the said Earl of *Inchequin*, Earl of *Clancarty*, *Theobald Purcell*, *Dudley Bagnall*, *Henry Bagnall*, and *Katherine Corbett*, and also for *Christopher Eustace*, and Sir. *Andrew Aylmer* of *Dounada* in the County of *Kildare* Knight, and Baronet (being in the same condition) to prove their possession and right on the 22th of October 1641. and to take out their respective Decrees under the penalties mentioned in the said explanatory Act page 50.

XIX

XXII.

XXII.

All such persons as claim any new estate by virtue of any particular proviso in either of the said Acts, or by virtue of any grant or Patent mentioned in, or confirmed by either of the said Acts, are likewise within Thirty dayes after the date hereof to put in to the Registers, a Petition or schedule expressing the date of their said Patents or grants, with the particulars of the lands which they claim thereby, with the Denominations and quantity of Acres as before, and the names of the persons in whose possession the said lands now are, as far as they know the same, to the end the same may be proceeded upon accordingly. And those who are by the Rules of the Act to part with a third, are to make their Election according to the directions page 127.

XXIII.

Marquis

Whereas the ~~Earl~~ of *Clanrickard*, The Countess Dowager of *Barrimore*, Sir *Allexander Keith*, and others mentioned in the 68 and 69 pages, and other places of the explanatory Act are to have their Arrears stated by the Commissioners, they are hereby required to be ready within thirty dayes after the date hereof, with their Accompts and certificates relating unto their service, for which their Arrears are to be stated as aforesaid.

XXIV.

The Register shall keep an Alphabeticall Table of all claymants or Petitioners before the said Commissioners with the day that their Petition or schedule was delivered in, and the Attournies name signing the same, which Table shall be hung up publicquely in the Court that reference may the more speedily be had upon all occasions to the Petition.

XXV.

No Petition or claim shall come to an Adjudication, till the name of the Claymant and the day appointed for hearing the same, have been publicquely set up in the Court, for the space of fourteen dayes at the least.

XXVI.

No man shall change his Attourney after he hath retain'd him, but by motion in open Court.

XXVII.

Where severall persons do claim the same lands, he that first bringeth his claim to Tryall, shall give timely notice to the Attourney of the other.

XXVIII.

None are to be admitted to practice in this Court as Councillors, but such as are admitted in the four Courts of *Dublin*.

XXXIX.

All Attournies of this Court are strictly enjoyned to give constant attendance on Court dayes upon pain of forfeiture of their imployment, except in cases of sickness, or Licence by the Court.

XXX.

That no Register, Subcommissioner, Attourney or other Officer of this Court during the time he shall continue in this imployment do by himself or others to his use, directly or indirectly purchase any of the lands, or Tenements which shall fall under the Adjudication of the Commissioners by virtue of either of the said Acts, in pursuance of what is required of them page the 54 of the Act of Settlement.

XXXI.

As to all Cases where the proof of the possession the 7th of *May* 1659, or of the possession the 22th of *October* 1641, is required that the same be made in open Court *viva voce* at the time of hearing, and so in all other cases where witnesses are necessary, except where particular Order shall be given to the contrary.

XXXII.

Where Affidavits are necessary, no Councill shall move upon them till they are filed.

XXXIII.

Where any particular Order hath been graunted in any case no Councill to move upon or against the said Order without producing a Coppy thereof.

XXXIV.

XXXIV.

The Register shall set up publicly in the Court a Table of the names of all the sworn Officers of the Court and of their respective Fees.

XXXV.

No person unless the Clerks belonging to the Registry or other sworn Officers of the Court shall come into the Office of the Registry unless it be in presence of one or more of the Commissioners.

XXXVI.

Walter Welsh, Walter Scudamore, Robert Pugh, John Barbor, George Millner, Thomas Heron, John Hughes, John Brampton, John Moland, Robert Paine, George Rider, George Lambert, John Humphreyes, John Darbisheire, William Cooper, Edward Godwyn, Samuell Bull, John Coghlan, Skarning Philips, Dominick Lean, Samuel Mosely, are sworn and appointed Attournies and hereby authorized to practise before the said Commissioners.

XXXVII.

Thomas Taylor, Thomas Syms, John Burniston, and John Petty Gentlemen, are hereby appointed Sub-Commissioners.

XXXVIII.

And whereas severall Periods mentioned in the said explanatory Act are to begin and commence from the first day of the sitting of the Commissioners for the Execution of the said Act, the first day of their sitting in Execution of the said Act is hereby declared to be Thursday the fourth day of *January* 1665, from which day all the said Periods limited as aforesaid are to begin, and all persons concerned therein are to take notice thereof accordingly.

These

These Rules, Orders, and Directions and such further Rules, and Orders as shall hereafter be given and appointed by the said Commissioners for the better and more speedy Execution of the said Acts, are to be observed by all Councillors at Law, Attournies and Officers of the said Court and all other persons concerned therein respectively.

Dated at the Kings Inns Dublin January 5, 1665

Signed and published by Order of
His Majesties Commissioners.

George Philips,
John Jeffreys.

FINIS.

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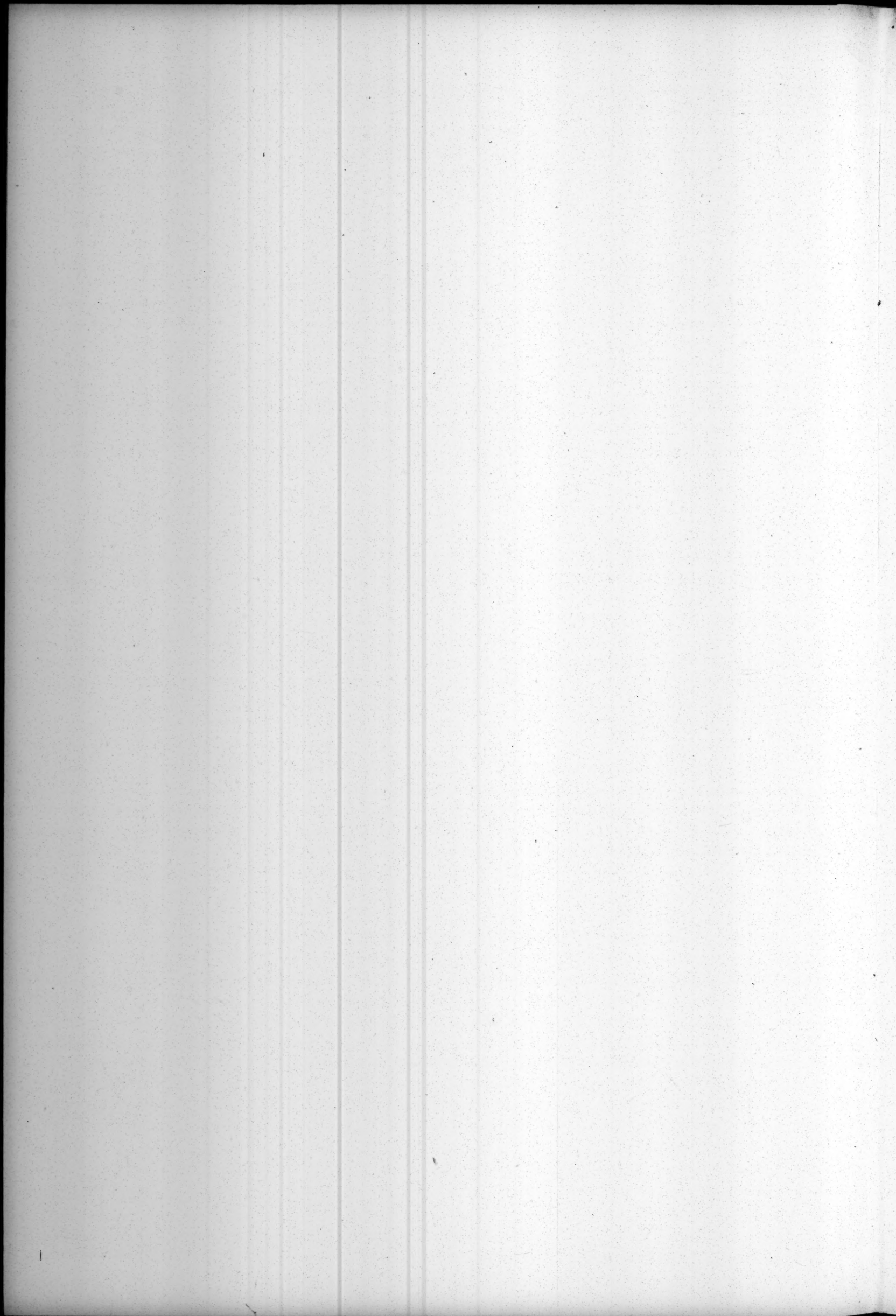
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